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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,301	02/12/2004	Walter H. Ohrbom	IN-5725	5308

26922 7590 04/18/2005

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EXAMINER

TRUONG, DUC

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/777,301

Applicant(s)

OHRBOM ET AL

Examiner

Duc Truong

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al.

The reference discloses powder slurry compositions with solid particulate carbamate resin component dispersed in liquid aminoplast resin carrier.

Note that the powder slurry composition comprising a first solid particulate component (a) dispersed in a crosslinking component (b) in that component (a) has a compound (i) having a  $T_g > 40^\circ\text{C}$  and at least one carbamate group (see Abstract, col. 2, line 35 et seq.) with the weight ratio---(see col. 9, lines 7-10)

Note also that at least one crosslinking resin (i) include melamine formaldehyde resin, urea resins which are included in the monomeric and/or low oligomeric aminoplast resins (see col. 7, lines 52-63) being alkylolated (see col. 7, lines 46-47)

Note also that the powder slurry composition further comprises solvents such as water, water soluble solvents and organic solvents (see col. 9, lines 10-29).

The powder slurry composition can be applied by spray or by electrostatic deposition and are useful as both basecoat and topcoat applications (see col. 9, lines 44-47).

The disclosure of the reference differs from the instant claims in that it does not disclose the claimed solid, thermosettable material in the claimed composition.

However, said thermosettable material is included in the components (a) and (b) of the reference. Therefore, it would have been obvious to one of ordinary skill in the art to select the components from the reference within the limitation of "thermosettable material" of the instant claims since they have been shown to be effective in a similar system and thus would have been expected to provide adequate results. There is no showing of unexpected results derived from said use.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rehfuss et al.

The reference discloses a carbamate functional crosslinking agent based on polyfunctional amino compounds and a curable coating composition (see col. 2, lines 18-21) in that the polyfunctional amino moiety may be formed from aminoplast such as ureas, melamines, benzoguanamines---, hexamethoxymethyl melamine (see col. 3, line 42), with an aldehyde such as formaldehyde, and condensate thereof (see col. 2, lines 48-67; col. 3, lines 30-44)

Note also that the aminoplast can be etherified or alkylolated (see col. 3, line 12, line 22; col. 5, lines 12-25), which can be cured by themselves or in combination with other crosslinking moieties (see col. 5, lines 55-56).

Note also that the composition may be used as powder coatings (see col. 8, last line), include organic solvent or water such as solventborne coating compositions or mixtures of solvents (see col. 9, lines 1-37).

The coating compositions may be applied as spray coating, electrostatic coating, dip coating, roll coating, curtain coating---, and may be applied to many different kinds of substrates, including metallic, plastic---(see col. 9, line 63-col. 10, line 5).

Note also that the reactants and the steps of the process have been disclosed in the Examples.

The disclosure of the reference differs from the instant claims in that it does not disclose the claimed powder coating particles dispersing in a liquid medium such as water.

However, the reference does disclose the product, a powder coating and the use of water and/or organic solvents to form a slurry product, a waterborne composition. Therefore, it would have been obvious to one of ordinary skill in the art to select the liquid medium from the reference within the limitation of the instant claims to form the claimed product, a powder coating composition, in the absence of a showing of unexpected results derived from said selection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Truong whose telephone number is 571-272-1081. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

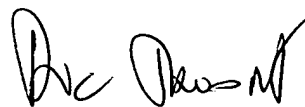
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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Duc Truong', is positioned above the printed name.

DUCTRUONG  
PRIMARY EXAMINER